

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MATTHEW MORRIS,

Plaintiff,

v.

BOARD OF TRUSTEES OF THE
CALIFORNIA STATE UNIVERSITY, et
al.,

Defendants.

Case No. [23-cv-04562-HSG](#)

ORDER TO SHOW CAUSE

The Court **DIRECTS** pro se Plaintiff Matthew Morris to show cause why the CSU Defendants' motions to dismiss, Dkt. No. 21, should not be granted or, in the alternative, why the case should not be dismissed for failure to prosecute, given that Plaintiff has not filed a response or statement of non-opposition to Defendants' motion as required by Civil L.R. 7-3(b) by the relevant deadlines, and has not otherwise complied with Court orders.

For the sake of clarity, the Court reminds all remaining parties of the relevant background. After this case was removed to federal court, the CSU Defendants filed a motion to dismiss Plaintiff's action in its entirety on October 13, 2023.¹ Dkt. No. 21. Plaintiff's deadline to respond to CSU Defendants' motion to dismiss was October 27, 2023, *see* Dkt. No. 20 at 2, but Plaintiff did not timely file an opposition (or statement of non-opposition) by (or after) that deadline. Plaintiff also missed the October 6, 2023 deadline to respond to Federal Defendants' motion to

¹ The "CSU Defendants" consist of: the Board of Trustees of the California State University, which is the State of California acting in its higher education capacity ("CSU"), CSUEB President Cathy Sandeen, Terri LaBeaux, Mitch Watnik, Maureen Scharberg, Danvy Le, Amy Below, Luz Calvo, and Jerome Narvaez.

dismiss, Dkt. No. 6.²

In light of Plaintiff's noncompliance with the briefing deadlines, the Court issued an order on October 31, 2023 directing Plaintiff to show cause why the Federal and CSU Defendants' motions to dismiss "should not be granted or, in the alternative, why the case should not be dismissed for failure to prosecute." Dkt. No. 23. The same order also informed Plaintiff that he could seek assistance from the pro se help desk, and provided the information necessary for him to do so. *Id.* Plaintiff's response to the OSC was due by November 21, 2023, but he did not file the Court-ordered statement by (or after) that deadline. *Id.* However, he did stipulate to the Federal Defendants' dismissal on November 14, 2023 (which resolved their pending motion to dismiss, Dkt. Nos. 6 & 17). The joint stipulation, Dkt. No. 26, is the only filing that the Court is aware of that reflects Plaintiff's participation in the case since it was removed more than three months ago. Plaintiff has not otherwise filed any responses to motions or Court orders, or provided the Court any explanation for his non-responsiveness.

The Court will give Plaintiff one last chance to do so, and accordingly **DIRECTS** him to file a statement of two pages or less by the end of day on December 22, 2023 showing cause why the Court should not grant the CSU Defendants' motion to dismiss, Dkt. No. 21, or, alternatively, dismiss the case in light of his failure to prosecute this action. Plaintiff is advised that this will be his final opportunity to explain his noncompliance and nonparticipation in the case; if he fails to do so, the Court will dismiss the case for failure to prosecute.

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² The "Federal Defendants" consist of: Kiran Ahuja, in her official capacity as the director of the U.S. Office of Personnel Management; the U.S. Office of Personnel Management; Shalanda Young, in her official capacity as the director the U.S. Office of Management and Budget; U.S. Office of Management and Budget; Christopher Wray, in his official capacity as the director of the Federal Bureau of Investigation; and the Federal Bureau of Investigation. Dkt. No. 1.

1 The Court again advises Plaintiff, who is representing himself, that he can seek assistance
2 at the Legal Help Center, which provides free information and limited-scope legal assistance to
3 pro se litigants. More information about the Legal Help Center is provided at
4 <http://www.cand.uscourts.gov/legal-help>. Telephone appointments may be scheduled either over
5 the phone at (415) 782-8982 or by email at federalprobonoproject@sfbar.org.

6 **IT IS SO ORDERED.**

7 Dated: 12/13/2023

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9 HAYWOOD S. GILLIAM, JR.
United States District Judge